

032204 17707 U.S. PTO

Practitioner's Docket No. : MPI00-544OMNICN1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

17497 U.S. PTO
10/806018
032204

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Holtzman, Douglas A., et al.

For: NOVEL ITALY, LOR-2, STRIFE, TRASH, BDSF, LRSG, AND STMST PROTEIN AND NUCLEIC ACID MOLECULES AND USES THEREFOR

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation-in-part (C-I-P)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail.

- ☒ as "Express Mail Post Office to Addressee"
Mailing Label No. EV407135122US

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: March 22, 2004

Sean Hunziker

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new application being transmitted is a continuation application of U.S. Application Serial No. 09/782,980, filed February 13, 2001.
- U.S. Application Serial No. 09/782,980 is a continuation-in-part of PCT Application Serial No. PCT/US00/02125, filed January 27, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 09/448,076, filed November 23, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 09/276,400, filed March 25, 1999 (now U.S. Patent No. 6,140,056), which claims the benefit of U.S. Provisional Application Serial No. 60/117,580, filed January 27, 1999. U.S. Application Serial No. 09/782,980 is also related to U.S. Patent Application Serial No. 09/702,572, filed October 31, 2000.
- U.S. Application Serial No. 09/782,980 is a continuation-in-part of U.S. Patent Application Serial No. 09/014,195, filed January 27, 1998.
- U.S. Application Serial No. 09/782,980 is a continuation-in-part of U.S. Patent Application Serial No. 09/014,348, filed January 27, 1998.
- U.S. Application Serial No. 09/782,980 is a continuation-in-part of U.S. Patent Application Serial No. 09/086,892, filed May 29, 1998.
- U.S. Application Serial No. 09/782,980 is a continuation-in-part of U.S. Patent Application Serial No. 09/296,208, filed April 21, 1999, which is a continuation-in-part of U.S. Patent Application Serial No. 09/063,950, filed April 21, 1998.
- U.S. Application Serial No. 09/782,980 is also a continuation-in-part of U.S. Patent Application Serial No. 09/561,381, filed April 28, 2000, and U.S. Patent Application Serial No. 09/561,810, filed April 28, 2000, both of which are continuations-in-part of U.S. Patent Application Serial No. 09/087,121, filed May 29, 1998.
- U.S. Application Serial No. 09/782,980 is also a continuation-in-part of U.S. Patent Application Serial No. 09/672,721, filed September 28, 2000, which is a continuation of U.S. Patent Application Serial No. 09/049,799, filed March 27, 1998.

3. Maintenance of Copendency of Prior Application

- A. ☒ Extension of time in prior U.S. Application Serial No. 09/782,980 filed by Express Mail today (March 22, 2004) (copy enclosed) (2 pages)
- B. ☐ Conditional Petition for Extension of Time in Prior Application
(complete this item, if previous item not applicable)
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
- ☐ A **copy** of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is

Practitioner's Docket No. : MPI00-544OMNICN1M

granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

194 Pages of Specification, including
184 Pages of Description
9 Pages of Claims
1 Page of Abstract

68 Sheets of Drawings (Figures 1, 2, 3A-3C, 4A-4C, 5A-5B, 6, 7A-7B, 8, 9, 10, 11, 12A-12B, 13, 14A-14B, 15A-15B, 16A-16I, 17, 18, 19A-19B, 20A-20C, 21, 22A-22E, 23A-23B, 24A-24E, 25A-25C, 26A-26C, 27A-27B, 28A-28C, 29A-29B, 30A-30C, 31)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
☒ Formal
☐ Informal

6. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 C.F.R. Section 1.98)
☐ Form PTO-1449 (PTO/SB/08A and 08B)
☐ Citations
☒ 136 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823), and 4 pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence
☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
☐ Special Comments
☒ Associate Power of Attorney (2 pages) and Appendix A – Statement of Limited Recognition under 37 CFR §10.9(b) for Mario Cloutier (1 page)
☒ Statement of Limited Recognition under 37 CFR §10.9(b) for Mario Cloutier (1 page)
☒ Other: Preliminary Amendment (8 pages)

7. Declaration or Oath (including power of attorney)

- ☒ (48 pages) Copy of the executed Declaration and Power of Attorney document filed in prior U.S. Application Serial No. 09/782,980.

Practitioner's Docket No. : MPI00-544OMNICN1M

- ☒ (2 pages) Copy of Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney document filed in prior U.S. Application Serial No. 09/782,980.

8. Assignment

- ☒ (83 pages) Copy of recorded Assignment of the invention from the inventors (Douglas A. Holtzman et al.) to Millennium Pharmaceuticals, Inc., filed in prior U.S. Application Serial No. 09/782,980

☒ is enclosed.
☐ will follow.

9. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$770.00
Total Claims (37 C.F.R. Section 1.16(c))	25	- 20 =	5	\$18.00	\$90.00
Independent Claims (37 C.F.R. Section 1.16(b))	2	- 3 =	0	\$86.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$290.00			\$0.00

Filing Fee Calculation

\$860.00

- ☒ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Practitioner's Docket No. : MPI00-544OMNICN1M

10. Method of Payment of Fees

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. 501668 in the amount of \$860.00
A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

Practitioner's Docket No. : MPI00-544OMNICN1M

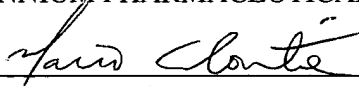
13. Correspondence Address

Direct all future correspondence to:

Customer Number 30405
OR
Intellectual Property Department
MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
Cambridge, MA 02139

March 22, 2004

MILLENNIUM PHARMACEUTICALS, INC.

By 

Mario Cloutier
Limited Recognition Under 37 C.F.R. § 10.9(b)
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☒ **Statement Where No Further Pages Added**

☒ This transmittal ends with this page.